

So Ordered.

Dated: March 24th, 2022



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

LEONARD C. ENGLAND, a single man,
d/b/a LEN ENGLAND ORCHARD,

and

LEN ENGLAND ORCHARD, INC.,

Debtors.

Jointly Administered

No.: **21-00909-FPC11**
21-00917-FPC11

Chapter 11

CONCLUSIONS OF LAW

THIS MATTER came on for hearing on the filing of the Joint Plan of Reorganization filed on October 28, 2021 [ECF No. 100], as amended and supplemented [ECF No. 117] ("Joint Plan"), and the court having herein entered its Findings of Fact, based upon the evidence produced, the court now makes the following:

CONCLUSIONS OF LAW

1. The Joint Plan has been accepted in writing by the creditors and equity security holders whose acceptance is required by law; and

Conclusions of Law-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 2. The provisions of Chapter 11 have been complied with; the Joint Plan has been
2 proposed in good faith and not by means forbidden by law; and

3 3. (i) Each holder of a claim or interest has accepted the Joint Plan or will receive or
4 retain under the Joint Plan, property of a value, as of the effective date of the Joint Plan, that is
5 not less than the amount that such holder would receive or retain if the Debtor were liquidated
6 under Chapter 7 of the Code on such date, or (ii) the Joint Plan does not discriminate unfairly,
7 and is fair and equitable with respect to each class of claims or interest that are impaired under
8 the Joint Plan and has not accepted the Joint Plan; and

9 4. All payments made or promised by the Debtor or by a person issuing securities
10 or acquiring property under the Joint Plan or by another person for services or for costs and
11 expenses in, or in connection with, the Joint Plan and incident to the case, have been fully
12 disclosed to the Court and are reasonable or, if to be fixed after confirmation of the Joint Plan,
13 will be subject to approval of the Court; and

14 5. The identity qualifications and affiliations of the persons who are to be members
15 or managers, if any, of the Debtor after confirmation of the Joint Plan have been fully disclosed,
16 and the appointment of such persons to such offices or the continued appointment of such
17 persons to such offices, or their continuance therein, is equitable and consistent with the
18 interests of the creditors and equity security holders and with public policy; and

19 6. The identity of any insider that will be employed or retained by the Debtor and
20 their compensation has been fully disclosed; and

21 7. (i) Confirmation of the Joint Plan is not likely to be followed by the liquidation or
22 the need for further financial reorganization of the Debtor or (ii) if the Joint Plan is a Joint Plan of
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Conclusions of Law-2

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1 liquidation, the Joint Plan sets a time period in which liquidation will be accomplished, and
2 provides for eventuality if the liquidation is not accomplished in that period; and

3 8. Substantial consummation shall not occur before the sixtieth (60th) day after the
4 Effective Date; and

5 9. Closing of Case: Sixty (60) days following the filing of the final account, the final
6 decree will be entered and the case shall be closed, unless a motion is filed requesting that the
7 final decree not be so entered; and

8 10. Debtors' Joint Plan shall be confirmed, subject to the following:

9 a. The provision of Joint Plan in Article X, page 15, lines 7 – 8, is amended
10 to provide:

11 "Any delinquencies due Class 4 (Wells Fargo) shall be cured within six (6)
12 months from Effective Date."

13 is hereby removed.

14 b. Notwithstanding any provision of the Joint Plan to the contrary the claim
15 of Class 5 (Bank of America) shall be treated pursuant to "Claim Treatment Stipulation
16 as to Bank of America, N.A.'s Claim Under Debtors' Joint Chapter 11 Plan" [ECF No.
17 116] ("Stipulation") and said Stipulation is incorporated into and is a part of Joint Plan.

18 c. Notwithstanding any provision of the Joint Plan to the contrary, "Debtors'
19 Amendment to Joint Plan of Reorganization [ECF No. 167] is hereby approved.

20 11. If a final account has not been filed within sixty (60) days following the
21 confirmation of the Joint Plan, a final decree may be entered and the case closed, unless a party
22 in interest has filed a written objection.
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24 ///END OF ORDER///

25 Conclusions of Law-3

SOUTHWELL & O'ROURKE, P.S.
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ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
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1 PRESENTED BY:

2 SOUTHWELL & O'ROURKE, P.S.

3 BY: /s/ Dan O'Rourke

4 DAN O'ROURKE, WSBA #4911

5 Attorney for Debtor Len England

6 APPROVED FOR ENTRY

7 NOTICE OF PRESENTATION WAIVED

8 ALDRIDGE PITE, LLP

9 BY: /s/ Jesse Baker

10 JESSE BAKER, WSBA #36077

11 Attorney for Creditor Bank of America

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Conclusions of Law-4

SOUTHWELL & O'ROURKE, P.S.

A PROFESSIONAL SERVICE CORPORATION

ATTORNEYS AT LAW

SUITE 960, PAULSEN CENTER

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